

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**JACQUELINE RHODES,** )  
Plaintiff, )  
v. )  
**MUNICIPAL EMERGENCY SERVICES, INC.** )      No. 3:13-cv-00109-MOC-DSC  
**and ERIC A. JOHNSON,** )  
Defendants. )  
)

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**ORDER**

**THIS MATTER** is before the Court on Plaintiff's "Motion to Compel the Production of Electronic Devices for Forensic Examination" (document #59) and the parties' briefs and exhibits. See documents ## 59-1 through 59-16, and 63-65.

The Court has carefully considered the record, authorities and the parties' arguments. As clarified in her reply brief, Plaintiff seeks an order compelling Defendant to produce the Johnson computer with its original hard drive; provide open access to defense expert Brett Creasy and produce his complete report, findings and methodology; and pay her costs and attorneys' fees incurred in filing this Motion. For the reasons stated in Plaintiff's briefs, the Court will exercise its discretion and grant the Motion. Defendants shall make production and pay reasonable costs, including attorneys' fees, as ordered below.

Plaintiff's Motion to Compel includes the heading "STRUNG ALONG AND HUNG OUT TO DRY ?" The Motion also asserts that "... Ms. Rhodes and her counsel felt, well, snookered." The Court admonishes Plaintiff's counsel to avoid further inappropriate characterizations such as these in their pleadings.

**THEREFORE, IT IS ORDERED** that:

1. Plaintiff's "Motion to Compel the Production of Electronic Devices for Forensic Examination" (document #59) is **GRANTED**.
2. On or before February 4, 2014, Defendants shall produce to Plaintiff the Johnson computer with its original hard drive, provide open access to defense expert Brett Creasy, and produce his complete report, findings and methodology.
3. Plaintiff shall submit an affidavit detailing the costs, including attorneys' fees, incurred in filing the instant Motion within seven (7) calendar days of the date of this Order. The Court will issue an order granting reasonable costs.
4. The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Max O. Cogburn, Jr.

**SO ORDERED.**

Signed: January 28, 2014



David S. Cayer  
United States Magistrate Judge

